IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.5570 of 1999

S.P.Loganathan .. Petitioner

vs.

1. Chennai Metropolitan Water Supply
   & Sewerage Board,
   rep. by its Managing Director,
   No.1, Pumping Station Road,
   Chennai-600 002

2. The Tahsildar
   Chennai Metropolitan Water Supply
   & Sewerage Board,
   Area VI Depot 83
   20 A, Subbaraya Mudali Street
   Border Thottam
   Chennai-600 002 .. Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the second respondent relating to the impugned notice No.083/1347/00/0 dated 19.3.1999 issued by the second respondent and quash the same and direct the second respondent to issue a fresh notice for recovery of water charges from March 1997.

For petitioner : Mr.K.S.Duraipandi
For respondents : Mr.V.Manoharan
Government Advocate

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O R D E R

Heard Mr.K.S.Duraipandi the learned counsel appearing for the petitioner and Mr.V.Manoharan, the learned Government Advocate appearing for the respondents.

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2. This writ petition has been filed challenging the impugned notice, dated 19.3.1999, issued by the second respondent for the recovery of water charges from the petitioner.

3. The main contention of the petitioner is that the water connection to the petitioner's premises bearing door No.3, Kurban Ali Khan Street, Chennai, had been given by the respondents only in the year 1997. However, the impugned notice, dated 19.3.1999, has directed the petitioner to pay the water charges from the year 1988-89. Therefore, the impugned notice, dated 19.3.1999, is illegal and invalid in the eye of law.

4. The learned Government Advocate appearing for the respondents had submitted that the petitioner may be permitted to make a written representation to the second respondent raising the necessary objections to the impugned notice, dated 19.3.1999. It was also submitted that till such orders are passed considering such representation, the respondents would not take any coercive action against thes petitioner, as stated in the impugned notice, dated 19.3.1999.

5. In view of the submissions made by the learned counsels appearing for the petitioner as well as the respondents, the petitioner is permitted to make a representation to the second respondent raising his objections, within a period of four weeks from today, and on such representation being submitted, the second respondent is expected to pass appropriate orders thereon, on merits and in accordance with law, within a period of six weeks thereafter.

The writ petition is disposed of accordingly. No costs. Consequently, connected W.M.P.No.8107 of 1999 is closed.

Sd/
Asst.Registrar

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/true copy/

Sub Asst.Registrar

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To

1. The Managing Director,
   The Chennai Metropolitan Water Supply
     & Sewerage Board,
   No.1, Pumping Station Road,
   Chennai-600 002

2. The Tahsildar
   Chennai Metropolitan Water Supply
     & Sewerage Board,
   Area VI Depot 83
   20 A, Subbaraya Mudali Street
   Border Thottam
   Chennai-600 002

+ 1 cc to Mr. V. Manoharan, Advocate, SR No.69491

+ 1 cc to Mr. K. S. Duraipandi, Advocate, SR No.69102

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SR/4.12.2007

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